

Serial No.: 10/708,580
Docket No.: 60655.8000

REMARKS

Applicants hereby reply to the Final Office Action mailed on October 4, 2005 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1, 3-11, 13-15 and 17-21 were pending in the application and the Examiner rejects claims 1, 3-11, 13-15 and 17-21. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Response to Arguments

In explaining "open system" and "closed system" credit cards, the Examiner has stated that, "In [an] open system, the concept of service partners, as recited in the claims, is rather weak" (page 6, paragraph 2). The Examiner further explains that an open system credit card is accepted at virtually all retailers; therefore, the association of such a credit card with a service partner is not consistent with the nature of an open system.

Applicants respectfully submit that open system credit cards are often associated with service partners. For example, it is common for a credit card to partner with an airline to offer frequent flyer miles based on credit card purchases. American Express may enter into a service partner agreement with, for example, Northwest Airlines, wherein American Express card holders may earn frequent flyer miles based on purchases charged to an American Express credit, charge, debit or other transaction card. In such an example, the American Express card holder may subsequently redeem the earned miles for flights booked with Northwest Airlines.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejects claims 1 and 3-7 under 35 U.S.C. § 102(b) as being anticipated by Taylor, U.S. Patent No. 5,578,808 ("Taylor"). Applicants respectfully traverse this rejection.

Taylor generally discloses a data card, wherein multiple accounts may be associated with a single data card. The data card is intended to substitute for a plurality of existing single application data cards. A carrier of the data card may designate any number of accounts and other personal information to be associated with the card. Thereafter, the card holder may use any of the accounts associated with the card to make financial or non-financial transactions. For example, a carrier of the data card may designate the card to provide access to a pre-established Visa® account, MasterCard® account, Chevron® gas card, and a Bloomingdale's® charge card. Account numbers and other information associated with each designation are stored in a

Serial No.: 10/708,580
Docket No.: 60655.8000

centralized database. The carrier may then use the card to complete a gas purchase from a Chevron station and subsequently use the same card to purchase clothing at Bloomingdales. At the time of purchase, the carrier selects the application of the card and the transaction is routed to the appropriate issuer of the account for processing.

The Taylor card enables a card holder to use a single card in any number of configurations previously defined and associated with the card. In other words, the single card can function as any number of virtual cards. Therefore, when the card is used to execute a purchase transaction, the transaction is processed as if the actual physical card is being used. However, the back-end systems have no awareness that the actual physical card is not being used. For example, when a card holder uses the Taylor card to execute a MasterCard purchase transaction, the MasterCard information comprising the account number, expiration date, verification code, etc., are retrieved from a database and transmitted to the MasterCard processing system. When the account information is received by the MasterCard processing system, it is processed as if the physical MasterCard was being used. According to Taylor, "Routing circuitry 58 routes the processed data to the appropriate locations relating to banking, reporting, updates, settlements, vendors, etc" (column 4, lines 37-39).

According to Taylor, account information from a plurality of financial and non-financial accounts are grouped together; however, the accounts remain independent and there is no information exchanged between accounts. For example, the Taylor system would be incapable of facilitating a transaction based on a first account, wherein the first account balance is subsequently credited for the transaction using a second account. **In other words, an account associated with the data card is unaware and incapable of exchanging information with any other accounts associated with the data card.** As such, Taylor does not disclose or suggest a data card with a financial account and a service partner account, "wherein said fee associated with said transportation system is transferred from said financial account to said service partner account," as recited by independent claim 1, and similarly, "wherein said multiple service card is configured to provide funds from said financial account to a service provider account," as recited by independent claim 6.

Claims 3 and 7 depend from independent claims 1 and 6, respectively. Applicants assert that claims 3 and 7 are differentiated from the cited reference for at least the same reasons set forth above, as well as in view of their own respective features.

Serial No.: 10/708,580
Docket No.: 60655.8000

Regarding independent claim 4, Applicants assert that claim 4 is differentiated for at least the same reasons as set forth above, as well as in view of its own respective features. Particularly, Taylor does not disclose or suggest at least, "wherein said multiple service card is configured to provide funds from said financial account to a service provider account," as recited by independent claim 4.

Claim 5 depends from independent claim 4. Applicants assert that claim 5 is differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of its own respective features.

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Fredregill et al., U.S. Patent No. 5,923,016 ("Fredregill"). Applicants respectfully traverse this rejection.

Fredregill discloses a computer-implemented consumer transaction point accumulation system providing instant crediting of points to a participant's loyalty account. The Fredregill system reports a participant's purchase to a central processor where an appropriate number of points are calculated according to the purchase. The central processor then sends a new balance to the merchant, wherein the new balance includes any prior point balance plus the newly-earned points. The summed point balance is then used to provide a reduction of price at the time of sale.

The Examiner has not responded to the Applicants' previously filed arguments, but instead, the Examiner repeats the assertion that, "Fredregill discloses a computer implemented consumer transaction point (loyalty) system (see abstract) wherein a group of retailers in a particular area (see col. 1, lines 15+) participate in the system. Obviously, the same retailers outside of designated locations are non-participants" (page 3, item 5). Applicants respectfully submit that Fredregill does not disclose a grouping of retailers according to a particular area (e.g., geographic area) for the purpose of issuing loyalty points. Fredregill only discloses loyalty point participants (i.e., consumers) and merchants. According to Fredregill, loyalty points are earned from affiliated merchants. It would not be possible, according to the disclosure of Fredregill, to issue loyalty points based on purchases made within a defined geographical area apart from the identity of the merchant. For example, in order to be awarded loyalty points, according to Fredregill, the participant must make purchases from participating merchants. While those merchants may be grouped within a geographical area, the system of Fredregill would not be capable of recognizing purchases made from a non-participating merchant within

Serial No.: 10/708,580
Docket No.: 60655.8000

the same geographical area. For example, Fredregill only issues points based on the identity of the merchant, so Fredregill would not be capable of issuing loyalty points which are based on purchases from merchants located only within New York City. As such, Fredregill does not disclose or suggest a data card for at least, "issuing, via a provider of credit services, geographic area loyalty points when a consumer conducts purchases within a predefined geographic area," as recited by independent claim 8.

Claim 9 depends from independent claim 8. Applicants assert that claim 8 is differentiated from the cited reference for at least the same reasons set forth above, as well as in view of its own respective features.

The Examiner rejects claims 10, 11, 13, 14 and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Brake, Jr. et al., U.S. Patent No. 6,032,136 ("Brake"). Applicants respectfully traverse this rejection.

Brake discloses a Customer Activated Multi-Value (CAM) card that has a primary use as a transaction card and a second optional use as a credit card. The CAM card can be sent to a customer in the form of a transaction card (e.g., prepaid phone card, gas card, product purchasing card). When the CAM card is received by the customer, the credit card feature is not enabled; however, the card can be used for its primary use. If the customer subsequently wishes to activate the credit card feature, the feature can be automatically activated via computer or telephone upon being approved. The card may then be used as either a transaction card or a credit card.

Brake provides a card which may be used for different purposes; however, there is no direct relationship between such card functions, except for the functions being initiated from a single transaction card. The CAM card of Brake has two functions; (1) to serve as a transaction card; and (2) to serve as a credit card. In its use as a transaction card, payment for goods or services is accomplished either by way of a pre-paid account or a credit account issued by a merchant. Therefore, as similarly argued above in reference to Taylor, when a customer conducts a purchase using the CAM card according to its primary use, the payment to the merchant is not by way of the secondary credit card feature. Moreover, there is no exchange of information and/or a currency value between two separate accounts both associated with the same card. The two accounts relating to the two uses of the CAM card are not interrelated, wherein funds are able to move between the two accounts of the CAM card. As such, Brake

Serial No.: 10/708,580
Docket No.: 60655.8000

does not disclose or suggest at least, "wherein said multiple service card includes a financial account which is configured to provide funds to a service provider account" as recited by independent claim 10.

Claims 11, 13, 14 and 18-21 depend from independent claim 10. Applicants assert that claims 11, 13, 14 and 18-21 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Brake in view of Fredregill. Applicants respectfully traverse this rejection.

Claim 15 depends from independent claim 10. Applicants assert that neither Fredregill (as argued above in reference to claim 8), Brake (as argued above in reference to claim 10), nor any combination thereof, disclose or suggest at least "wherein said multiple service card includes a financial account which is configured to provide funds to a service provider account," as recited by independent claim 10 from which claim 15 depends. Applicants also assert that claim 15 is differentiated from the cited references for at least the reasons set forth above, as well as in view of its own respective features.

The Examiner rejects claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Brake in view of Downing et al., U.S. Patent No. 5,963,647 ("Downing"). Applicants respectfully traverse this rejection. The Examiner correctly notes that Brake fails to specifically teach or suggest considering anti-terrorism information when extending credit. However, the Examiner asserts that Downing teaches this step. Claim 17 depends from independent claim 10. Applicants assert that neither Brake (as argued above in reference to claim 10), Downing, nor any combination thereof, disclose or suggest at least, "wherein said multiple service card includes a financial account which is configured to provide funds to a service provider account," as recited by independent claim 10 from which claim 17 depends. Applicants also assert that claim 17 is differentiated from the cited references for at least the reasons set forth above, as well as in view of its own respective features.

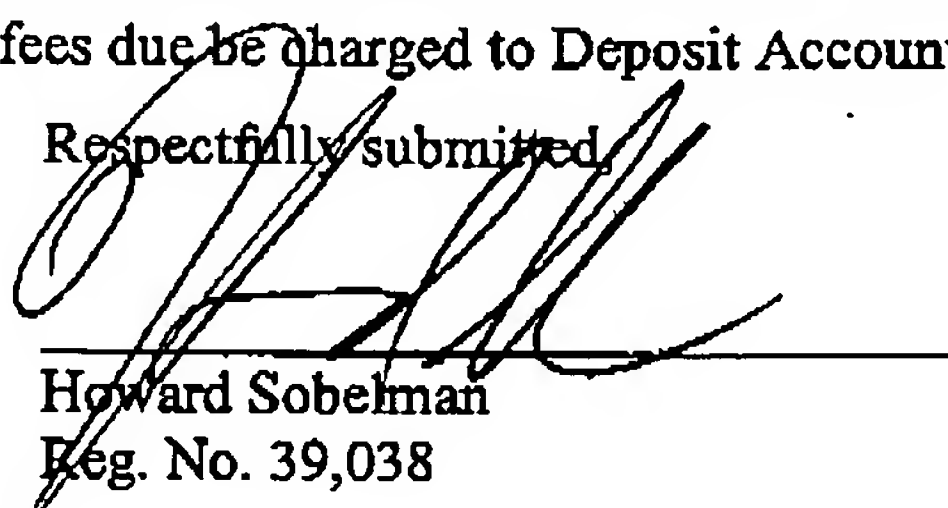
In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's

Serial No.: 10/708,580
Docket No.: 60655.8000

convenience, if that would help further prosecution of the subject application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: November 1, 2005


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12